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Part two: biennial programme plan

Programme 20
International protection, durable solutions and assistance to refugees

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Overall orientation

20.1 The overall objective of the programme is to provide international protection to refugees and others of concern to the United Nations High Commissioner for Refugees and to seek permanent solutions to their problems, as well as to ensure the provision of humanitarian assistance to them. Assistance plays a key role in facilitating international protection and the search for and realization of solutions. It is rooted in and grows out of the protective nature of the work of the Office of the United Nations High Commissioner for Refugees (UNHCR). In its operational activities, UNHCR seeks to integrate protection, the search for durable solutions and humanitarian assistance. The pursuit of durable solutions to the problems of refugees is the heart of protection and the principal purpose of the programme. The framework for the provision of international protection was further spelled out in the Agenda for Protection endorsed by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and welcomed by the General Assembly in 2002 (see A/57/12/Add.1, annex IV).

20.2 The mandate for the programme is contained in General Assembly resolution 319 A (IV), by which the Assembly established UNHCR as from 1 January 1951, and resolution 428 (V), which sets out the statute of the Office. The Assembly has also called upon the High Commissioner to ensure that returnees receive assistance to help in their sustainable reintegration, as well as to monitor their safety and well-being on return (see resolution 40/118). UNHCR has also been mandated to address the situation of stateless persons in accordance with the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961). In addition, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the State concerned, UNHCR provides humanitarian assistance and protection to internally displaced persons (see resolution 48/116), working in cooperation with the United Nations Emergency Relief Coordinator (see resolution 58/153). In its work for internally displaced persons and as part of the collaborative response of the United Nations system to internal displacement, UNHCR has been given special responsibility for the following three areas: protection, emergency shelter and camp management/coordination. As regards the assistance activities of UNHCR, the basic provisions of its statute were built upon by the Assembly in its resolution 832 (IX). Through the adoption by the Assembly of its resolution 58/153 on implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate, the Office was given a renewed mandate to address the challenge of forced displacement through a mission based on a spirit of solidarity, responsibility and burden-sharing, with an abiding commitment to make the Office a truly multilateral institution.

20.3 The international legal basis for the protection of refugees finds its principal expression in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. In addition, there are a number of other international instruments of relevance, such as the 1989 Convention on the Rights of the Child. At the regional level, there are also important instruments and declarations, such as the Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity (now the African Union), the Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, and the San José Declaration on Refugees and

Displaced Persons. Similarly, for stateless persons, the international legal basis for addressing their situation is the 1954 and 1961 Conventions.

20.4 UNHCR is responsible for the implementation of the programme. The overall strategy that will be followed consists of a range of activities undertaken in cooperation with States and various organizations and pursued with a continued strong emphasis on improving efficiency, transparency and accountability through the Office's ongoing structural and management change process and through the institutionalization of results-based management. Notable among the activities are the following:

(a) The pursuit of comprehensive strategies, in cooperation with States and organizations, aimed at mitigating and preventing the causes of forced population movements as well as finding solutions to them when they occur;

(b) The ongoing development of a legal regime of international protection, including through the promotion of accessions to international and regional instruments relating to the status of refugees or otherwise benefiting refugees, the effective implementation of refugee rights and the promotion and dissemination of refugee law and protection principles;

(c) Enhancing and reinforcing host country capacities to provide asylum and protection;

(d) Ensuring that UNHCR fully participates in and supports the strengthened collaborative response of the United Nations to situations of internal displacement through its leadership and coordination of areas for which the Office has been given special responsibility: protection, emergency shelter and camp management/ coordination;

(e) The further development of contingency planning, emergency preparedness and response capabilities, in coordination with other organizations, so as to respond effectively and efficiently to situations of forced human displacement;

(f) Ensuring that UNHCR and its partners incorporate into all aspects of the delivery of humanitarian assistance the particular needs and capacities, ascertained through participatory assessments, of refugee women and elderly refugees and the special needs of refugee children and adolescents, and ensuring also that UNHCR and its partners provide protection and humanitarian assistance in a manner that is sensitive to environmental considerations and in such a way that it is supportive of and reinforces development initiatives to the extent possible;

(g) The further development, in consultation with concerned parties, of options to ensure the security and the civilian and humanitarian character of refugee camps and settlements as well as security in areas of return and to explore further concrete ways of enhancing the safety and security of UNHCR staff and other humanitarian workers working with refugees and returnees; in this regard, due consideration should be given to the obligation of United Nations officials, in the conduct of their duties, to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization;

(h) The systematic follow-up to relevant recommendations in the plans of action emanating from recent international conferences, especially the plan of action related to the Millennium Development Goals and the involvement, as soon as possible, of other humanitarian and development organizations, both national and

international, in providing assistance to refugees, returnees, internally displaced persons and host communities and in the search for durable solutions.

20.5 The programme is under the intergovernmental guidance of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, in accordance with its terms of reference, as adopted by the General Assembly in its resolution 1166 (XII). Pursuant to the request of the Assembly in that resolution, the Economic and Social Council, in its resolution 672 (XXV), established the Executive Committee of the High Commissioner's Programme, which came into existence on 1 January 1959. Reaffirming the terms of reference laid down by the General Assembly, the Council decided that the Executive Committee, being entrusted with the terms of reference set forth in General Assembly resolution 1166 (XII), should: (a) determine the general policies under which the High Commissioner should plan, develop and administer the programmes and projects required to help solve the problems referred to in resolution 1166 (XII); (b) review at least annually the use of funds made available to the High Commissioner and the programmes and projects being proposed or carried out by his Office; and (c) have authority to make changes in and give final approval for the use of funds and the programmes and projects referred to in subparagraphs (a) and (b) above. In subsequent resolutions, the General Assembly, the Economic and Social Council and the Executive Committee of the Programme of the High Commissioner have called upon the Office, in the context of its basic mandate, to assist other groups of persons regarded as falling under the competence of the High Commissioner. Although established by the Economic and Social Council, which elects its members, the Executive Committee functions as a subsidiary organ of the General Assembly and it represents the key governing body of UNHCR. It advises the High Commissioner in the exercise of his or her functions and approves the use of extrabudgetary funds made available to the High Commissioner. The annual cycle of meetings of the Executive Committee consists of one annual plenary session and a number of intersessional meetings of the Standing Committee. Reports on the sessions of the Executive Committee are submitted to the General Assembly as an addendum to the report of the High Commissioner. Pursuant to General Assembly resolution 62/123 on the enlargement of the Executive Committee, the membership of the Committee was increased from 72 to 76 States.

20.6 The High Commissioner, who is elected by the General Assembly on the nomination of the Secretary-General, provides the overall direction, supervision and management of the activities under this programme. The functions of the High Commissioner are set out in the annex to the statute of UNHCR. The High Commissioner is assisted by a Deputy High Commissioner and Assistant High Commissioners for Protection and for Assistance.

Objective of the Organization: to lead and coordinate efforts for the international protection of refugees and other persons of concern to the United Nations High Commissioner for Refugees and to achieve permanent solutions to their problems, while at the same time ensuring the provision of humanitarian assistance throughout the refugee cycle from the outset of an emergency until such time as the beneficiaries have been successfully reintegrated into their communities of origin

Expected accomplishments of the Secretariat	Indicators of achievement
(a) Progress towards achieving durable solutions for refugees and other persons of concern, particularly through enhanced international cooperation	(a) (i) Strengthened host country capacity, upon request, to provide quality asylum and increased adherence to international protection standards
	(ii) More efficient processing of refugee status determination
	(iii) Strengthening the protection of refugees within broader migration movements
(b) International standards of protection are more fully met for all persons of concern to UNHCR, taking into account age, gender and personal background, and, in particular, implementation of and compliance with the Executive Committee's conclusions on women and girls at risk and on children at risk	(b) (i) Improved knowledge of international protection standards through participation in the protection learning programme
	(ii) Improved levels of registration of persons of concern
	(iii) Increased percentage of survivors of sexual and gender-based violence who have received psychosocial, medical, legal or any other form of support
	(iv) Decreased number of refugee camps reporting children (6-59 months old) suffering from global acute malnutrition
	(v) Increased percentage of refugees in camps having access to culturally appropriate HIV/AIDS information/ education/communication materials
	(vi) Increased number of primary health-care facilities per 10,000 refugees established by UNHCR, as well as other quantifiable improvements brought about with the assistance of UNHCR to meet the basic needs of refugees and others of concern to UNHCR

(c) Progress towards achieving durable solutions to the many instances of forced displacement	(c) (i) Increased number of actors involved in activities aimed at promoting the self-reliance of returnees, supporting local integration in the spirit and context of the Executive Committee's conclusion on local integration and providing support to host countries and countries of origin in order to promote durable solutions (ii) Increased number of refugees and other persons of concern who return from situations of forced displacement in the framework of programmes of voluntary repatriation to the countries of origin (iii) Increased number of persons resettled to third countries
(d) Strengthened partnerships with other actors to better enable UNHCR to discharge its mandate to assist refugees and others of concern to UNHCR in a spirit of burden-sharing and international solidarity	(d) (i) Increased level of voluntary contributions provided by the international community, including private, corporate and institutional donors (ii) Number of emergency preparedness arrangements and contingency plans elaborated in response to potential refugee emergencies (iii) Increased number of coordinated initiatives of relevant United Nations agencies aimed at addressing needs of refugees or returnees and the surrounding communities (iv) Number of government agencies involved in the support of countries hosting or reintegrating refugees in accordance with the UNHCR strategy of repatriation, reintegration, rehabilitation and reconstruction
(e) Progress in helping host countries in the provision of assistance to refugees and others of concern to UNHCR and in strengthening their local capacity to cope with related issues	(e) Number of countries assisted by UNHCR to provide assistance to refugees and others of concern to UNHCR and to strengthen their capacity to cope with related issues

Strategy

20.7 The implementation of the programme falls under the overall responsibility of the Division of International Protection Services and the Division of Operational Services. The overall objective related to protection and durable solutions is multifaceted and will be pursued in a number of ways. Further accessions to the

1951 Convention and the 1967 Protocol relating to the Status of Refugees as well as to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness will be promoted. The monitoring of the observance by States of internationally accepted standards for the treatment of refugees, especially the fundamental principles of asylum and non-refoulement, will contribute to ensuring the effective implementation of refugee rights by the States concerned. This will involve working especially for the establishment by States of fair and efficient procedures for the determination of refugee status or, as appropriate, other mechanisms to ensure that persons in need of international protection are identified and granted such protection and to ensure that all persons seeking international protection are granted access to those procedures and mechanisms.

20.8 The Office will furthermore continue to encourage States to address the phenomenon of mixed migration in a more comprehensive and coherent manner. The frame of reference for UNHCR activities in this regard is its 10-point plan of action for refugee protection and mixed migration which provides a framework of protection tools that could be built into broad migration strategies that take into account international protection needs while creating solutions tailored to the various categories of people in mixed migration movements. Similarly, with much international migration taking place by sea, UNHCR will continue to be involved in issues related to the disembarkation of mixed-migration groups and the search for solutions for those rescued at sea or found as stowaways and who are in need of international protection.

20.9 The Office will also, through the strengthening protection capacity project, continue to help States and communities build the capacity to protect refugees and others of concern and to find solutions for them. To ensure a more effective response to the protection needs of refugee women, children and adolescents, a more concerted effort will be made to mainstream policies and guidelines relating to those groups of refugees through the work of specially trained interdisciplinary UNHCR country teams. In addition, partnerships will be established with a broad range of actors, for example, under such initiatives as Women Leading for Livelihoods, in which economic empowerment is pursued for refugee and internally displaced women and girls with the support of prominent and professional women from around the world.

20.10 The promotion and dissemination of refugee law and protection principles, particularly through training, in cooperation with non-governmental organizations, academic institutions and other relevant organizations of governmental and non-governmental officials, will be another means of achieving the stated objective. In addition, when, on the basis of a specific request of the Secretary-General or a competent principal organ of the United Nations and with the consent of the State concerned, UNHCR provides protection to internally displaced persons, it will do so on the basis of criteria enumerated in the relevant resolutions of the General Assembly and in close collaboration with other concerned entities and agencies. To revitalize old partnerships and build new ones in support of the international refugee protection system, efforts to promote collaboration on refugee protection with a wide range of actors, including the Office of the United Nations High Commissioner for Human Rights, will be continued. In order to find permanent solutions to the problems of refugees, especially those in protracted refugee situations, and

internally displaced persons, efforts will be made to promote the development of more comprehensive and regional approaches.

20.11 The aspects of the programme dealing with humanitarian assistance, including emergency response, are under the responsibility of the Department of Operations. UNHCR will engage in a number of strategies. The Office is concerned that assistance, whenever possible, should be delivered in such a way that it involves the recipients and taps their potential. This participatory approach will be part of a broader situation analysis, which will also include improved demographic data deriving from enhanced registration tools and the use of standards and indicators for UNHCR assistance sectors. This approach should lead to a significant improvement in the quality of UNHCR assistance programmes, especially for refugee women and children and elderly refugees.

Legislative mandates

Conventions and conference declarations

Convention relating to the Status of Refugees (1951) and its Protocol (1967)

Convention relating to the Status of Stateless Persons (1954)

Convention on the Reduction of Statelessness (1961)

Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

Cartagena Declaration on Refugees (1984)

Convention on the Rights of the Child (General Assembly resolution 44/25) (1989)

San José Declaration on Refugees and Displaced Persons (1994)

General Assembly resolutions

58/153	Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate
62/124	Office of the United Nations High Commissioner for Refugees

Executive Committee

A/AC.96/965/Add.1	Agenda for Protection
	Conclusions on the international protection of refugees